

**CITY OF ROCKVILLE PLANNING DIVISION
PRELIMINARY REPORT**

November 30, 2004

SUBJECT: Annexation Petition ANX2004-00136

Petitioners: Washington Metropolitan Area Transit Administration
(WMATA)
600 5th Street NW
Washington, DC 20001

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The JBG Companies
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Bethesda, MD 20814-6301

Property Location: 16.95 acres of property, generally bounded by:
Ardennes Avenue to the north
Twinbrook Parkway to the East
WMATA and CSX tracks to the West
Parklawn Drive to the South

Planning Commission Public Hearing Date: December 14, 2004
Mayor and Council Public Hearing Date: January 10, 2005

REQUEST:

The petitioners request annexation into the City of Rockville property consisting of a single parcel of 16.95 acres, located adjacent to and part of, the Twinbrook Metro Station. This annexation petition will be combined with approximately 10 acres of land that is currently within the jurisdiction of the City of Rockville to create what is referred to as the Twinbrook Commons development. The land has frontage on Ardennes Avenue (a portion of which is included within the annexation petition), Twinbrook Parkway to the west, Parklawn Lane to the south and the CSX and Washington Metropolitan Area Transit Authority (WMATA) tracks to the east.

The land is currently owned and used by WMATA for the Twinbrook Metro station, which is a Red Line stop that is the third outermost Metro stop on the Shady Grove leg of the Red Line. The site is mostly paved, with scattered tree coverage.

The petitioner requests that the Mayor and Council classify the parcel as RPC, Rockville Pike Commercial, upon annexation. This zoning category is consistent with the adjacent land use within the City that will be part of a future development plan. The applicants want to develop the property, along with the property that is currently within the City, with 1,706 residential units, 325,000 square feet of office and 220,000 square feet of commercial retail. The applicant has made a number of modifications to the plan to address issues raised by residents and the City. A list of these modifications is attached. (Attachment 6).

PREFACE:

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. Such a Resolution was introduced on September 13, 2004, and the Mayor and Council have scheduled a public hearing for November 1, 2004. The Mayor and Council are also required to conduct a public hearing simultaneously for adoption of a new zoning map of the affected area.

Prior to the Mayor and Council's public hearing, the Planning Commission is required to study the subject area and transmit to the Mayor and Council its recommendation as to the appropriate zoning. The Rockville Zoning and Planning Ordinance requires that the Planning Commission also conduct a public hearing in conjunction with recommending new zoning.

ANALYSIS:

The Property – The subject parcel contains approximately 16.95 acres, and is generally square in shape. The property lines in some locations on the western edge of the property boundary wrap around different ownerships of adjacent properties. The County zoning for the property is currently TS-R, Transit Station Residential. The property has been owned by WMATA for some time. It should be noted that this 16.95 acres comprises a portion of the full 26-acre development, with the balance, approximately 9 acres currently within the City of Rockville under the proposed RPC zoning, not included in the annexation petition.

Existing and Proposed Land Use and Zoning in the Area – The subject site abuts land within the City of Rockville along the entirety of the northern border, while the balance to the east and south is Montgomery County zoning. Of the northern properties adjacent to the site, one parcel of 1.77 acres, adjacent to the CSX tracks, is zoned I-2, Light Industrial. This parcel, commonly referred to as the Suburban Propane property, is the only portion of the proposed 26-acre development within the City of Rockville on the east side of the CSX tracks. While not part of the annexation petition, given its current location within the City, it will be subject to the Map Amendment that will change the zoning for the annexed portion to RPC.

Adjacent to this parcel are residentially zoned parcels that are improved with single-family detached and single-family attached dwelling units, including the Twinbrook neighborhood. Moving further to the east along the northern border of the subject property is a parcel that was recently annexed into the City of Rockville with an O-1 Office Building zone. There is also an I-1, light industrial parcel adjacent to the subject property, which is improved with a variety of smaller businesses and some public service type buildings.

The properties within the County that are adjacent to this parcel are light industrial and office. A variety of small business and industries border the property, as well as the Parklawn Building, which houses the Department of Health and Human Services.

Public Services and Facilities – The subject property is within the Washington Suburban Sanitary Commission (WSSC) Service District. Conversely, the part of the development application that is within the City on the west side of the tracks is in the Rockville Service District area. Although the annexation area is within a WSSC service area, the City of Rockville has utilities that transverse the site within an established easement. It is anticipated that the part of the Twinbrook Commons development that is located within this annexation area will be served by WSSC.

According to the Department of Public Works (DPW), there are no known capacity problems with either the water or sewer in the area. Any expense incurred in providing water and sewer services shall be the responsibility of the developer of the property.

The new development will also have to meet all applicable stormwater management requirements, including quantity and quality controls. All of the details would be worked out at the time of review and approval of a Use Permit(s).

All of the requirements of the Forest and Tree Preservation Ordinance (FTPO) and the Environmental Guidelines will need to be met. The site is not heavily wooded, being predominantly utilized as Metro parking. However, certain criteria must be met and will be evaluated as the development progresses.

There are no public facilities currently located on the property. Rockville services, such as police protection, will be provided through general tax revenue. Any public improvements necessitated by future development, such as storm drains or stormwater management facilities, will be the full responsibility of the developer to construct and install under established permit and bond procedures.

Rockville Master Plan Regarding Annexation – The property is located within the City of Rockville Urban Growth Area (previously known as the Maximum Expansion Limits). As such, the 2002 City Master Plan recommends the entire property for annexation into the City. The property is recommended for the RPC and RPR zones.

Montgomery County Master Plan – The 1992 North Bethesda/Garrett Park Master Plan gives considerable attention to three Sector Plan areas located along the Metro's Red Line, in an attempt to promote transit use and utilize existing infrastructure. The recommendations as they relate to the Twinbrook Sector Plan area are intended to promote transit-oriented mixed-use development, primarily with residential development. A majority of the project's proposed residential density will be located within the annexed area, promoting adherence to the outlined Master Plan principles and goals for the area. The North Bethesda Plan recommends no more than 60 du/ac on the property, although the TS-R Zone allows greater density.

Annexation Recommendation – Due to the fact that the property lies within the Urban Growth Area of the City of Rockville, and that it is contiguous to the City, approval of annexation is recommended. Annexation of the parcel will help fulfill the City's goal of annexing strategically situated parcels near the City's boundaries. The annexation is in keeping with the Smart Growth initiatives of the State of Maryland, including a policy directive for concentrating growth in urban centers to further environmental objectives for preservation of natural resources. In addition, annexing the property would give the entire development proposal a continuity of jurisdictions for a variety of issues, including police protection, taxation and general services.

The proposed development will require additional land use approvals from the City, subsequent to the annexation and rezoning, including a Preliminary Development Plan (PDP), a Use Permit and Final Record Plat(s). While the specific development proposal will be the subject of the development review process, it should be noted that certain development parameters are being established as a part of the annexation. These include, but are not limited to, the number of dwelling units and the amount of commercial office and retail space proposed. It should be noted that the applicants have received Preliminary Plan approval from the Montgomery County Planning Board for their proposal.

It is anticipated that the consent of the Montgomery County Council will not be required in this case because the proposed zoning and land use are similar to those that would be allowed in the current Montgomery County zone, and are consistent with the Preliminary Plan (1-04054) approved by the Montgomery County Planning Board on May 6, 2004

ZONING MAP:

Procedure – When land is annexed, all zoning upon that land which was imposed by the authority previously having jurisdiction will no longer exist. Therefore, the Mayor and Council must adopt a new Zoning Map to become effective upon annexation. In conjunction with this application, a map amendment recommending RPC zoning for the entire property is underway.

Montgomery County Zoning Recommendation – The Montgomery County Master Plan specifies that the property be zoned TS-R, Transit Station Residential. The TS-R zoning category is currently in place for the property, which encourages mixed-use, transit-oriented development. It should be noted that the proposed development received Preliminary Plan approval from Montgomery County under this zoning category. The TS-R zone is compatible and similar to the principles and objectives of the proposed RPC zoning.

The Rockville Master Plan Regarding Land Use and Zoning – The 2002 adopted Master Plan for the City of Rockville recommends that the area, if annexed, be brought into the City under RPC and RPR zoning, and to be placed in the Twinbrook Metro Performance District. This zoning classification was recommended as a way to achieve the objectives of the Metro Performance District through the use of the optional method of development. The Metro Performance District specifies mixed-use, transit-oriented development in designated areas adjacent or close to transit opportunities provided by Metro Stations.

As previously stated, the applicant is requesting RPC zoning on the property. This zoning classification is already in place for the portion of the development currently within the City of Rockville on the west side of the CSX and Metro tracks. The Suburban Propane site on the east side of the tracks, the 1.77-acre piece that is within the City limits, is zoned I-2. The accompanying Map Amendment requests changing the zoning on that piece of property to the RPC zoning classification as well. This is supported by the Master Plan, which recommends the RPC/Metro Performance District designation if the property is developed comprehensively in conjunction with parcels owned by WMATA.

The RPC zone permits a maximum density of 1.5 FAR for non-residential use, for mixed use residential and office projects, plus a maximum residential density of 60 units per acre.

Zoning Map Recommendation – Staff recommends that the subject property be placed in the RPC zone, if the Mayor and Council act to annex the property. This land use recommendation is consistent with the recommendations found in the Rockville Master Plan, Rockville Pike Corridor Neighborhood Plan, and the applicable Montgomery County Plan. An annexation agreement will be drafted to ensure that proposed development on the site, the recommendation of the Montgomery County Master Plan, and the requirements of the Zoning Ordinance, are compatible.

Attachments:

- Applicant's Letter and Petition for Annexation
- Legal Description
- Tax Map
- Zoning Map
- Aerial map
- Development Plan Changes